REMARKS

In the Official Action mailed on **18 July 2006**, the Examiner reviewed claims 1-2, 4, 6-8, 10, 12-13, 15, 17-19, 21, 23-24, 26, 28-30, and 32. Claims 1-2, 4, 6-8, 10, 12-13, 15, 17-19, 21, 23-24, 26, 28-30, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brenner (USPN 6,859,926, hereinafter "Brenner").

Rejections under 35 U.S.C. §103(a)

Independent claims 1, 12, and 23 were rejected as being unpatentable over Brenner, in view of Bean. Applicant respectfully points out that Brenner teaches performing workload management by allocating class shares and tiers in such a way that the system can allocate system resources in proportion to the relative shares (see Brenner, col. 1, lines 35-58, col. 4, lines 46-52, and col. 5, line 61 to col. 6, line 3). Such multi-tier scheduling techniques are well-known in the art for optimizing the use of a shared set of resources.

In contrast, the present invention provides **logical separation between resource pools** that can operate independently and separately from one another using **separate scheduling techniques**. For instance, a resource pool might use a time-sharing scheduler, a proportional share scheduler, and/or a real-time scheduler (see page 7, lines 24-27 of the instant application). There is nothing within Brenner or Bean, either separately or in concert, which suggests assigning different scheduling techniques to resource pools.

Note that the combined system of Brenner and Bean assigns class shares, which specify the importance of a task. However, there is no guarantee that the required resources will actually be available, and tasks must still contend for resources based on the number of shares assigned to the task. For instance, the combined system of Brenner and Bean does not provide a technique for guaranteeing the scheduling of resources for a real-time task. In Brenner, the

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system effectively shares a single pool of resources, and cannot guarantee that another process with a similar or higher class will not interrupt a real-time process that needs to execute at a specific time interval (see col. 9, lines 25-65). Hence, the scheduling technique described in Brenner is orthogonal to the present invention, and could be used as an alternative technique for scheduling resources in a given resource pool. In contrast, the present invention facilitates logically separating resource pools that can individually be assigned scheduling techniques with functionality different from the class-based scheduler of Brenner.

In the present invention, "the project/task/process structure can be used to represent some types of applications." For instance, the system can guarantee that a database application will receive a proportion of resources by assigning it to a separate resource pool (see page 9, lines 21-25). Such an assignment facilitates the system allocating a resource pool, for instance, to a real-time process, thereby guaranteeing that the real-time process will **always receive resources**.

Accordingly, Applicant has amended independent claims 1, 12, and 23 to clarify that the present invention allows each resource pool to use a different scheduling technique. These amendments find support in page 7, lines 24-27 of the instant application.
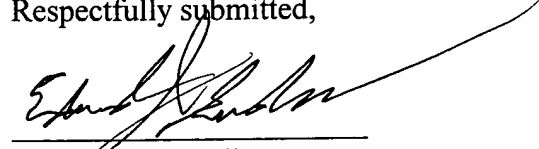
Hence, Applicant respectfully submits that independent claims 1, 12, and 23 as presently amended are in condition for allowance. Applicant also submits that claims 2, 4, 6-8, and 10-11, which depend upon claim 1, claims 13, 15, 17-19, and 21-22, which depend upon claim 12, and claims 24, 26, 28-30, and 32-33, which depend upon claim 23, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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